

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Daisuke KUMAKI et al.)
)
Serial No.: 10/575,202)
)
Filed: April 10, 2006)
)
For: Light-Emitting Element and)
Light-Emitting Device)
)
Examiner: Anthony Ho)
)
Art Unit: 2815)
)
Confirmation No. 7114)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION

In response to the Restriction Requirement of June 16, 2008, Applicants elect to prosecute Group 3: Claims 15 and 17-31 in the above-identified application. Applicants are making this election without disclaimer or prejudice to later filing a divisional application on the non-elected claims and/or species.

In addition, Applicants believe that Claims 16-31 (i.e. Group 4) are generic to Group 3.

Further, in the Restriction Requirement, the Examiner states:

“The inventions listed as Groups 1-4 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: For example, Fuji Denki Co., Ltd. (JP 2003-272855 A) discloses a light emitting device comprising: a first layer containing a light-emitting material; a second layer containing an N-type semiconductor; a third layer including a transparent

conductive film; and a fourth layer containing a hole transporting material; wherein the first layer, the second layer, the third layer, and the fourth layer are sandwiched between an anode and a cathode, and wherein the first layer, the second layer, the third layer, the fourth layer, and the cathode are provided in order.

Applicants have reviewed Fuji Denki Co., Ltd. (JP 2003-272855 A)¹ and cannot find the above alleged disclosure therein. For example, Applicants cannot find the teaching of the feature of the first layer, the second layer, the third layer, the fourth layer (as these layers are defined in the claims), and the cathode provided in order.² As this feature is claimed in each of independent Claims 1, 2, 15 and 16, and not found in the Fuji Denki reference, this would appear to be a corresponding special technical feature of these claims. Therefore, it is respectfully submitted that independent Claims 1, 2, 15 and 16 and those claims dependent thereon can be examined together.

If any fee should be due for this election, please charge our deposit account 50/1039.

Favorable consideration is earnestly solicited.

Date: July 9, 2008

Respectfully submitted,

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¹ GB 2417827 and US 2006/0124920 are believed to be in the same application family as JP 2003-272855. Applicants are submitting these two English language references in the accompanying IDS for the Examiner's consideration.

² The Examiner may wish to review the English language family references of JP 2003-272855 (e.g. GB 2417827 and US 2006/0124920) to confirm.